

BILL LOCKYER, Attorney General
of the State of California
PAUL C. AMENT, State Bar No. 60427
Supervising Deputy Attorney General
ELAINE GYURKO
Senior Legal Analyst
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, California 90013
Telephone: (213) 897-4944
Facsimile: (213) 897-9395

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. S-355

SARAH ANNE MEYERS
2708 Lum Avenue
Bakersfield, California 93304

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory
Care Board of California (Board). She brought this action solely in her official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by Elaine
Gyurko, Senior Legal Analyst.

2. Sarah Anne Meyers (Respondent) is representing herself in this proceeding
and has chosen not to exercise her right to be represented by counsel.

3. On or about June 20, 2005, Respondent submitted an application for
licensure to the Board. On August 31, 2005, the Board denied Respondent's application. On
September 1, 2005, respondent requested a hearing.

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directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect (except for this paragraph), it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent Sarah Anne Meyers be issued a conditional license to practice respiratory care, which shall be on probation to the Board for a period of two (2) years on the following terms and conditions:

1. WORK SCHEDULES Respondent shall be required to submit to the probation monitor work schedules on a weekly/monthly basis for the length of probation. Respondent shall ensure the Board has a copy of her current work schedule at all times for each place of employment.

Failure to submit current work schedules on a continuous basis shall constitute a violation of probation, and shall result in the filing of an accusation and/or a petition to revoke probation against Respondent's respiratory care practitioner license.

2. BIOLOGICAL FLUID TESTING Respondent, at her expense, shall participate in random testing, including, but not limited to, biological fluid testing (i.e. urine, blood, saliva), breathalyzer, hair follicle testing, or a drug screening program approved by the Board. Test costs range from \$21.00 to \$200.00 each. The length of time shall be for the entire

1 probation period. The frequency and location of testing will be determined by the Board.

2 At all times, Respondent shall fully cooperate with the Board or any of its
3 representatives, and shall, when directed, appear for testing as requested, and submit to such tests
4 and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other
5 controlled substances.

6 If Respondent is unable to provide a specimen in a reasonable amount of time from
7 the request, while at the work site, Respondent understands that any Board representative may
8 request from the supervisor, manager or director on duty to observe Respondent in a manner that
9 does not interrupt or jeopardize patient care in any manner, until such time Respondent provides a
10 specimen acceptable to the Board.

11 Failure to submit to testing or appear as requested by any Board representative for
12 testing, as directed, shall constitute a violation of probation, and shall result in the filing of an
13 accusation and/or a petition to revoke probation against Respondent's respiratory care
14 practitioner license.

15 3. ABSTENTION FROM THE USE OF DRUGS AND ALCOHOL

16 Respondent shall completely abstain from the possession or use of alcohol, controlled substances,
17 dangerous drugs, and any and all other mood altering drugs, substances and their associated
18 paraphernalia, except when the drugs are lawfully prescribed by a licensed practitioner as part of a
19 documented medical treatment.

20 Respondent shall execute a release authorizing the release of pharmacy and
21 prescribing records as well as physical and mental health records. Respondent shall also provide
22 information of treating physicians, counselors or any other treating professionals as requested by
23 the Board.

24 Respondent shall ensure that she is not in the presence of or in the same physical
25 location as individuals who are using illegal substances, even if Respondent is not personally
26 ingesting the drug(s).

27 Any positive result that registers over the established laboratory cutoff level shall
28 constitute a violation of probation, and shall result in the filing of an accusation and/or a petition

1 to revoke probation against Respondent's respiratory care practitioner license.

2 Respondent also understands and agrees that any positive result that registers over
3 the established laboratory cutoff level shall be reported to each of Respondent's employers.

4 4. RESTRICTION OF PRACTICE Respondent may not be employed or
5 function as a member of a respiratory care management or supervisory staff during the entire
6 length of probation. This includes lead functions.

7 5. OBEY ALL LAWS Respondent shall obey all laws, whether federal,
8 state, or local. Respondent shall also obey all regulations governing the practice of respiratory
9 care in California.

10 Respondent shall notify the Board in writing within 14 days of any incident
11 resulting in her arrest, or charges filed against, or a citation issued against Respondent.

12 6. QUARTERLY REPORTS Respondent shall file quarterly reports of
13 compliance under penalty of perjury, on forms to be provided to the probation monitor assigned
14 by the Board. Omission or falsification in any manner of any information on these reports shall
15 constitute a violation of probation, and shall result in the filing of an accusation and/or a petition
16 to revoke probation against Respondent's respiratory care practitioner license.

17 Quarterly report forms will be provided by the Board. Respondent is responsible
18 for contacting the Board to obtain additional forms if needed. Quarterly reports are due for each
19 year of probation and the entire length of probation as follows:

20 For the period covering January 1st through March 31st, reports are to be
21 completed and submitted between April 1st and April 7th. For the period covering April 1st
22 through June 30th, reports are to be completed and submitted between July 1st and July 7th. For
23 the period covering July 1st through September 30th, reports are to be completed and submitted
24 between October 1st and October 7th. For the period covering October 1st through December 31st,
25 reports are to be completed and submitted between January 1st and January 7th.

26 Failure to submit complete and timely reports shall constitute a violation of
27 probation.

28 7. PROBATION MONITORING PROGRAM Respondent shall comply

1 with requirements of the Board appointed probation monitoring program, and shall, upon
2 reasonable request, report to or appear to a local venue as directed.

3 Respondent shall claim all certified mail issued by the Board, respond to all notices
4 of reasonable requests timely, and submit Annual Reports, Identification Update reports or other
5 reports similar in nature, as requested and directed by the Board or its representative.

6 Respondent is encouraged to contact the Board's Probation Program at any time
7 she has a question or concern regarding her terms and conditions of probation.

8 Failure to appear for any scheduled meeting or examination, or cooperate with the
9 requirements of the program, including timely submission of requested information, shall
10 constitute a violation of probation, and will result in the filing of an accusation and/or a petition to
11 revoke probation against Respondent's respiratory care practitioner license.

12 8. PROBATION MONITORING COSTS All costs incurred for probation
13 monitoring during the entire probation shall be paid by the Respondent. The monthly cost may be
14 adjusted as expenses are reduced or increased. Respondent's failure to comply with all terms and
15 conditions may also cause this amount to be increased.

16 All payments for costs are to be sent directly to the Respiratory Care Board and
17 must be received by the date(s) specified. (Periods of tolling will not toll the probation
18 monitoring costs incurred.)

19 If Respondent is unable to submit costs for any month, she shall be required
20 instead to submit an explanation of why she is unable to submit the costs, and the date(s) she will
21 be able to submit the costs including payment amount(s). Supporting documentation and
22 evidence of why the Respondent is unable to make such payment(s) must accompany this
23 submission.

24 Respondent understands that failure to submit costs timely is a violation of
25 probation, and submission of evidence demonstrating financial hardship does not preclude the
26 Board from pursuing further disciplinary action. However, Respondent understands providing
27 evidence and supporting documentation of financial hardship may delay further disciplinary action.

28 In addition to any other disciplinary action taken by the Board, an unrestricted

1 license will not be issued at the end of the probationary period and the respiratory care
2 practitioner license will not be renewed, until such time all probation monitoring costs have been
3 paid.

4 The filing of bankruptcy by Respondent shall not relieve the Respondent of her
5 responsibility to reimburse the Board for costs incurred.

6 9. EMPLOYMENT REQUIREMENT Respondent shall be employed a
7 minimum of 24 hours per week as a respiratory care practitioner for a minimum of 2/3 of her
8 probation period.

9 Respondent may substitute successful completion of a minimum of thirty (30)
10 additional continuing education hours, beyond that which is required for license renewal, for each
11 8 months of employment required. Respondent shall submit proof to the Board of successful
12 completion of all continuing education requirements. Respondent is responsible for paying all
13 costs associated with fulfilling this term and condition of probation.

14 10. NOTICE TO EMPLOYER Respondent shall be required to inform her
15 employer, and each subsequent employer during the probation period, of the discipline imposed
16 by this decision by providing her supervisor and director and all subsequent supervisors and
17 directors with a copy of the decision and order, and the Statement(s) of Issues or Accusation(s) in
18 this matter prior to the beginning of or returning to employment or within 14 days from each
19 change in a supervisor or director.

20 If Respondent is employed by or through a registry [and is not restricted from
21 working for a registry], Respondent shall make each hospital or establishment to which she is sent
22 aware of the discipline imposed by this decision by providing her direct supervisor and
23 administrator at each hospital or establishment with a copy of this decision, and the Statement(s)
24 of Issues in this matter prior to the beginning of employment. This must be done each time there
25 is a change in supervisors or administrators.

26 The employer will then inform the Board, in writing, that he is aware of the
27 discipline, on forms to be provided to the Respondent. Respondent is responsible for contacting
28 the Board to obtain additional forms, if needed. All reports completed by the employer must be

submitted from the employer directly to the Board.

Respondent shall execute a release authorizing the Board or any of its representatives to review and obtain copies of all employment records and discuss and inquire of the probationary status with any of Respondent's supervisors or directors.

11. CHANGES OF EMPLOYMENT OR RESIDENCE Respondent shall notify the Board and appointed probation monitor, in writing, of any and all changes of employment, location, and address within 14 days of such change. This includes, but is not limited to, applying for employment, termination or resignation from employment, change in employment status, change in supervisors, administrators or directors.

Respondent shall also notify her probation monitor AND the Board IN WRITING of any changes of residence or mailing address within 14 days. P.O. Boxes are accepted for mailing purposes, however the Respondent must also provide her physical residence address as well.

12. COST RECOVERY Respondent shall pay to the Board a sum not to exceed the costs of the investigation and prosecution of this case. That sum shall be \$1,351.50 and shall be paid in full directly to the Board, in equal quarterly payments, within 12 months from the effective date of this decision. Cost recovery will not be tolled.

If Respondent is unable to submit costs timely, she shall be required instead to submit an explanation of why she is unable to submit these costs in part or in entirety, and the date(s) she will be able to submit the costs including payment amount(s). Supporting documentation and evidence of why the Respondent is unable to make such payment(s) must accompany this submission.

Respondent understands that failure to submit costs timely is a violation of probation, and submission of evidence demonstrating financial hardship does not preclude the Board from pursuing further disciplinary action. However, Respondent understands that providing evidence and supporting documentation of financial hardship may delay further disciplinary action.

Consideration to financial hardship will not be given should Respondent violate

1 this term and condition, unless an unexpected AND unavoidable hardship is established from the
2 date of this order to the date payment(s) is due.

3 The filing of bankruptcy by the Respondent shall not relieve the Respondent of her
4 responsibility to reimburse the Board for these costs.

5 13. TOLLING FOR OUT-OF-STATE RESIDENCE OR PRACTICE

6 Periods of residency or practice outside California, whether the periods of residency or practice
7 are temporary or permanent, will toll the probation period, but will not toll the cost recovery
8 requirement, nor the probation monitoring costs incurred. Travel out of California for more than
9 30 days must be reported to the Board in writing prior to departure. Respondent shall notify the
10 Board, in writing, within 14 days, upon her return to California and prior to the commencement of
11 any employment where representation as a respiratory care practitioner is/was provided.

12 14. VALID LICENSE STATUS Respondent shall maintain a current, active
13 and valid license for the length of the probation period. Failure to pay all fees and meet
14 Continuing Education requirements prior to her license expiration date shall constitute a violation
15 of probation.

16 15. VIOLATION OF PROBATION If Respondent violates any term of the
17 probation in any respect, the Board, after giving Respondent notice and the opportunity to be
18 heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to
19 revoke probation is filed against Respondent during probation, the Board shall have continuing
20 jurisdiction and the period of probation shall be extended until the matter is final. No petition for
21 modification of penalty shall be considered while there is an accusation or petition to revoke
22 probation or other penalty pending against Respondent.

23 16. COMPLETION OF PROBATION Upon successful completion of
24 probation, Respondent's license shall be fully restored.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order, and I fully understand the terms and conditions and other matters contained therein. I understand the effect this stipulation will have on my Respiratory Care Practitioner License. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently and agree to be bound by the Disciplinary Order and Decision of the Respiratory Care Board.

DATED: March 1, 2006

Original signed by:
SARAH ANNE MEYERS
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: March 14, 2006

BILL LOCKYER, Attorney General
of the State of California

Original signed by:
ELAINE GYURKO
Senior Legal Analyst

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. S-355

SARAH ANNE MEYERS
2708 Lum Avenue
Bakersfield, California 93304

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on May 26, 2006.

It is so ORDERED May 17, 2006.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA